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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/07/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/403,939

Applicant(s)

SCHAEFER-LORINSER, FRANK

Examiner

Kimberly D Flynn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

This action is in response to an Amendment filed December 11, 2002. Claims 12-22 are presented for further consideration.

***REJECTIONS REPEATED***

1. The 35 U.S.C. 102(b) rejection of claims 12-16, and 21 as anticipated by Bixby et al. (U.S. Patent No. 5,317,568) . ) is repeated for reasons previously of record in paper #8.

The 35 U.S.C. 103(a) rejection of claims 17-20 as being unpatentable over Bixby in view of Goumillou (U.S. Patent No. 5,836,008) is repeated for reasons previously of record in paper #8.

The 35 U.S.C. 103(a) rejection of claim 22 as being unpatentable over Bixby in view of Rigori (U.S. Patent No. 5,892,950) is repeated for reasons previously of record in paper #8.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bixby et al. (U.S. Patent No. 5,317,568).

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In considering claim 12 and 13, Bixby discloses a method for transmitting information, comprising the steps of using a data structure that is defined by a formal language called Abstract Syntax Notation One; and transmitting information encoded as text (col. 57, lines 1-5).

In considering claim 14-16, Bixby discloses wherein transmitting a designation of a data type with each piece of the transmitted information, which includes the steps of placing the designation in front of each piece of the transmitted information and separating the designation from each piece of the transmitted information by an equal sign, wherein the designation of the data type being defined by the formal language called Abstract Syntax Notation One (See. col. 74, lines 51).

In considering claim 21, Bixby discloses the method further comprising the step of using encoding tables, the encoding tables being adaptable to character sets of transmitting systems (col. 85, table 13.12 and col. 86, table 14.1)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bixby in view of Goumillou (U.S. Patent No. 5,836,008).

In considering claim 18 and 19, While Bixby discloses transporting information based on the Common Management Information Protocol (CMIP)(Col. 55,lines 27-32), Bixby does not

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disclose transmitting encoded information between a subscriber and a public telecommunications network, wherein the encoded information relates to management of public telecommunication networks. Nonetheless, information transmission of telecommunications networks based on CMIP is well known as evidenced by Goumillou.

In similar art, Goumillou discloses a system for transmitting information between a source and a receiver via a network connected to telecommunications equipment. Goumillou also discloses wherein the telecommunications equipment comprises for the internal transmission of management messages communication means based upon the Common Management Information Protocol (CMIP). Thus a person having ordinary skill in the art would have recognized the desirability of including the information transmission based on the CMIP in the telecommunication networks because the protocol governs the information management of telecommunications equipment. Therefore, the aforementioned limitation would have been an obvious modification to the system disclosed by Bixby.

In considering claim 17, although Bixby discloses the invention substantially as claimed Bixby fails to disclose wherein the method further comprises the step of outputting a form of the encoded information by using a standard, readily available output facility. Nonetheless, Examiner takes official notice that the aforementioned limitation is well known. Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system as disclosed by Bixby to include the step of outputting the encoded information using a standard output facility in order to make the encoded information available to the users. Therefore, the claimed limitation would have been an obvious modification to the system disclosed by Bixby.

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In considering claim 20, although Bixby discloses the invention substantially as claimed Bixby fails to disclose the step of creating an e-mail interface for transmitting the text-encoded information. Examiner takes official notice that e-mail interfaces for transmitting text-encoded information is well known. Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system as disclosed by Bixby to include the e-mail interface for transmitting text-encoded in order to make the encoded information available to users with email capabilities. Therefore, the claimed limitation would have been an obvious modification to the system disclosed by Bixby.

6. Claims 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bixby in view of Rigori (U.S. Patent No. 5,892,950).

In considering claim 22, While Bixby discloses the invention substantially as claimed, Bixby does not disclose steps of automatically encoding and sending management information; and automatically receiving and decoding the management information. Nonetheless, the aforementioned limitation is a well-known inexpensive encoding/decoding mechanism that can be easily implemented either or both in software or hardware as evidenced by Rigori. In similar art, Rigori discloses wherein the simple encoding/decoding technique can be implemented by including a simple ASCII character-to-binary symbol encoder at the sender end and a binary symbol decoder-to-ASCII character decoding at the receiver end. A person having ordinary skill in the art at the time the invention was made would have readily recognized the advantages of including the encoding/decoding technique. Therefore, the claimed limitation would have been an obvious modification to the system disclosed by Bixby.

### ***Response to Arguments***

Applicant argues that the Bixby reference does not identically describe the features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting information encoded as text. Examiner disagrees. The cited section of the Bixby reference clearly states that "Information is transmitted between directors and agents in a standardized encoding format, which is defined by Abstract Syntax Notation One (ABN.1) and transmitted in the Basic Encoding rules for ASN.1" The Applicant asserts that the information is transmitted as binary information which is in direct contrast to the invention. However, nowhere the Bixby reference state that the information is transmitted as binary information, therefore; the applicant's argument is moot. The examiner maintains the Bixby reference reads on the claimed limitations.

The applicant argues that neither Bixby reference nor the Goumillou reference, alone or in combination, describe or suggest the features of claim 12. While the examiner maintains that Bixby anticipates the limitations of claimed 12, the examiner also maintains that the Goumillou reference reads on claims 17-20.

The applicant argues that neither Bixby reference nor the Rigori reference, alone or in combination, describe or suggest the features of claim 12. While the examiner maintains that Bixby anticipates the limitations of claimed 12, the examiner also maintains that the Rigori reference reads on claim 22.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703-746-72388, for After Final communications

(703) 746-7239, for Official communications

(703) 746-7240, for Non-Official/Drafts.




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
March 26, 2003



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
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